

### **Amendment to the Drawings**

The attached sheet of drawings includes an amendment to FIG. 15. FIG. 15 has been amended to make the lead line for item 540, planar surface, a hidden lead line because the planar surface 540 is hidden in this isometric view.

Attachment: 1 Annotated sheet  
1 Replacement sheet

## **Remarks**

This is responsive to the Office Action mailed December 7, 2005. The amendments and remarks herein are proper, are supported by the specification, and do not include new matter.

The amendments to claims 6 and 7 are to correct a mistake, as evidenced by the parallel claims 12 and 13 which recite the panels (not the planar surfaces) comprising the webs. Applicant apologizes for any confusion created by the mistake.

The amendments to claims 8 through 13 place dependent claim 13 in independent form according to the indication of allowability.

## **Objection to the Drawings**

The drawings stand objected to for not showing the subject matter of claims 6 and 7. Claims 6 and 7 have been amended to replace “planar surfaces” with “panels.”

As for amended claim 6, FIG. 10 and the description thereof support the claimed subject matter. For example, “The composite corrugated panel can define two pair of opposing webs (such as 404, 406 and 408, 410) that are joined to define an enclosure with a central passage. (specification, paragraph [0074]).

As for amended claim 7, FIGS. 13 and 14 and the description thereof, such as for example paragraphs 0062-0063, support the claimed subject matter.

Withdrawal of the objection in view of the amendments to claims 6 and 7 is respectfully requested.

### **Rejection Under 35 USC 112 Second Paragraph**

Claims 7 and 13 stand rejected for indefiniteness for allegedly not describing the components and their relation to each other. Applicant respectfully traverses this rejection.

Applicant submits that the subject matter of parallel claims 7 and 13 is fully supported by the written description in satisfaction of Section 112. For example, the written description provides the following description of the clamshell construction embodiments:

In some embodiments, the pair of panels can be stacked and formed, such as with conventional sheet metal working processes, to define the enclosure 400 with the central passage 402. However, it has been determined that a clamshell construction offers manufacturability advantages. FIG. 13 illustrates a first portion 500 comprising first and second corrugated panels 502, 504 that is attachable to a second portion 506 comprising first and second corrugated panels 508, 510 to form the enclosure 400 (FIG. 12). The first portion 500 comprises a medial web 512 and substantially orthogonal flanges 514, 516 extending from a proximal and distal end thereof. Similarly, the second portion 506 comprises a medial web 518 and substantially orthogonal flanges 520, 522 extending from a proximal and distal end thereof. When the first and second portions 500, 506 are joined, the opposing sides 404, 406 (FIG. 12) are formed from the proximal flanges 514, 520 and 516, 522, and the opposing sides 408, 410 are formed from the webs 512, 518.

FIG. 14 is an end view of the enclosure 400 illustrating a preferred manner of varying the lengths of the first and second corrugated panels 502, 504, and 508, 510 that define the flanges 514, 516 and 520, 522 in order to positively position the clamshell portions 500, 506 for attachment while maintaining only two material thicknesses throughout. For example, the corrugated panel 504 comprises a relatively longer flange 530 that abuttingly engages a relatively shorter flange 532 of the corrugated panel 508, while slidably engaging against a relatively longer flange 534 of the corrugated panel 510. A fastener, such as a mechanical, thermal or adhesive type fastener (not shown), can be installed to this overlapping relationship of the flanges 530, 534 and abutting engagement of the flanges 530, 532, providing a positive

interlocking joint with excellent compressive and lateral strength. Also, as illustrated in FIG. 13, the longitudinal lengths of the first and second corrugated panels 502, 504 and 508, 510 can be varied for attachment of flange members 540 for attaching the enclosure 400 to the cabinet 200 (FIG. 4)  
(specification, paragraphs [0062]-[0063])

These illustrative embodiments provide explicit support for the claimed subject matter of claims 7 and 13. Reconsideration and withdrawal of the present rejection are respectfully requested.

### **Rejection Under Section 102(b)**

Claims 1-6, 8-12, and 14-17 stand rejected as being anticipated by Fehlmann '556.

This rejection is respectfully traversed.

#### **Claim 1**

The Examiner has not substantiated a *prima facie* case of anticipation because the cited reference does not identically disclose all the recited features of claim 1, with emphasis on at least the following:

*A reinforced panel structure comprising a first panel comprising a first planar surface and a nonplanar boss, a second panel comprising a second planar surface and defining an opening, the second panel opening receivingly engaging the first panel boss permitting contiguous mating contact of the first and second planar surfaces.*  
(claim 1, emphasis added)

The skilled artisan readily understands that the openings in the plate 10 of Fehlmann '556 are formed directly below each of the bridges 11, 12; the openings result from forming the bridges 11, 12:

Beneath each bridge is a perforation of plate 10 approximately corresponding to the projection of the bridge into the plane of the plate. Each bridge consists of a bent-out strip formed between a pair of parallel cuts or slits in plate 10.  
(Fehlmann '556, col. 3 lines 34-38)

The Examiner's reading *second panel surface...defining an opening* onto Fehlmann's space between adjacent bridges 11, 12 is an unreasonably broad claim construction because it ignores the plain meaning of the term *opening*, and in effect ignores claim language. *In re Morris*, 43 USPQ2d 1753 (Fed. Cir. 1997) Given a proper construction of "opening," Fehlmann '556 clearly does not disclose *second panel opening receivingly engaging the first panel boss*.

Additionally, Fehlmann '556 clearly does not disclose *permitting contiguous mating contact of the first and second planar surfaces*. The skilled artisan readily understands that in Fehlmann '556 the planar surface 10 contactingly engages the noncoplanar bridges 22, and the planar surface 20 contactingly engages the noncoplanar bridges 12. No reasonable interpretation of Fehlmann '556 would conclude that the planar surface 10 and the planar surface 20 are in *contiguous mating contact* because they are completely not in contact.

Accordingly, the Examiner has failed to substantiate a *prima facie* case of anticipation because the cited reference does not identically disclose all the recited features of claim 1. Furthermore, construing the claims by ignoring explicitly recited features is the result of an incomplete examination according to the Examiner's obligation to consider the patentability of the invention as claimed. 37 C.F.R. 1.104(a) Because the first Office Action is incomplete with regard to the patentability of claim 1, if the next action rejects claim 1 it cannot be made final. Withdrawal of the unsubstantiated rejection of claim 1 and the claims depending therefrom is respectfully requested.

### Claim 8

Claim 8 stands rejected as being anticipated by Fehlmann '556. Applicant has amended claim 8 to include the subject matter of claim 13, which stands objected to but allowable if placed in independent form. Reconsideration and withdrawal of the present rejection of amended claim 8 and the claims depending therefrom are respectfully requested.

### Claim 14

The Examiner has not substantiated a *prima facie* case of anticipation because the cited reference does not identically disclose all the recited features of claim 14, with emphasis at least on the following:

*A method for producing a composite corrugated panel, comprising providing a first panel comprising a first corrugation and a first opening; providing a second panel comprising a second corrugation and a second opening; stacking the panels by disposing the first corrugation in the second opening and the second corrugation in the first opening.*

(claim 14, emphasis added)

As discussed above, the skilled artisan readily understands that the openings in the plate 10 of Fehlmann '556 are formed directly below each of the bridges 11, 12. The Examiner's reading *in the second opening...in the first opening* onto Fehlmann's space between adjacent bridges 11, 12 is an unreasonably broad claim construction because it ignores the plain meaning of the term *opening*, and in effect ignores claim language. *In re Morris*, 43 USPQ2d 1753 (Fed. Cir. 1997) Given a proper construction of "opening," Fehlmann '556 clearly does not disclose *disposing the first corrugation in the second opening and the second corrugation in the first opening*.

Accordingly, the Examiner has failed to substantiate a *prima facie* case of anticipation because the cited reference does not identically disclose all the recited features of claim 14. Furthermore, construing the claims by ignoring explicitly recited features is the result of an incomplete examination according to the Examiner's obligation to consider the patentability of the invention as claimed. 37 C.F.R. 1.104(a) Because the first Office Action is incomplete with regard to the patentability of claim 14, if the next action rejects claim 14 it cannot be made final. Withdrawal of the unsubstantiated rejection of claim 14 and the claims depending therefrom is respectfully requested.

#### **Rejection Under 35 USC 103(a)**

Claims 18 and 19 stand rejected as being unpatentable over Fehlmann '556. This rejection is respectfully traversed, at least because these are dependent claims of an allowable independent claim, for reasons above, that provide additional limitations thereto. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

#### **Conclusion**


This is a complete response to the Office Action of December 7, 2005.

The Applicant has filed herewith a request for telephone interview, to be held before the next action on the merits. The interview is necessary to clarify any remaining issues associated with the present unsubstantiated anticipatory rejections, in order to ensure this accelerated case proceeds efficiently as possible on the merits.

The Applicant respectfully requests that all of the pending claims now be passed to issuance.

Respectfully submitted,

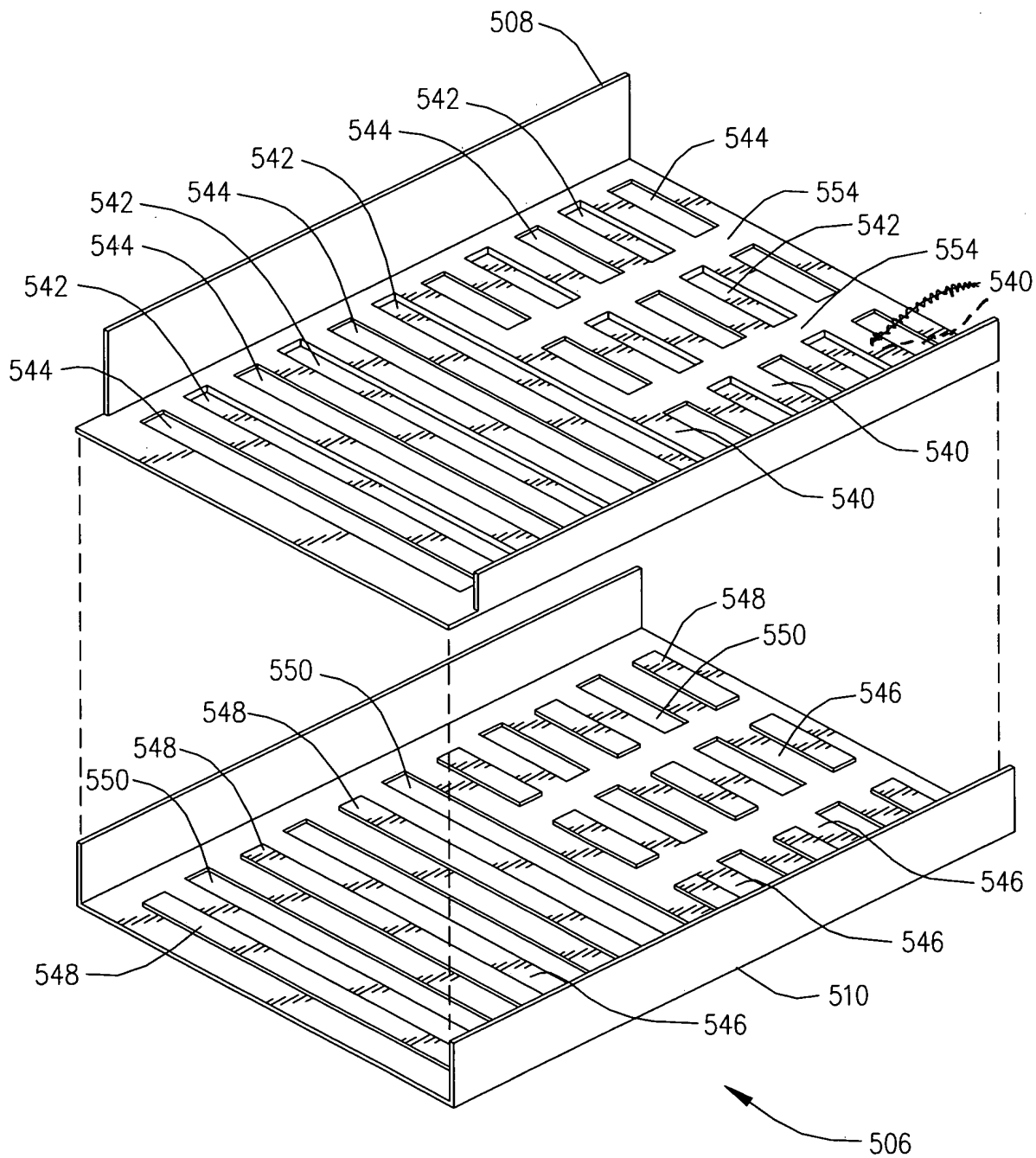
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**FIG. 15**